

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

An initial hearing on supervised release revocation in this case was scheduled before me on February 2, 2010. The United States was represented by AUSA Bruce Miyake and the defendant by Kenneth Kanev. The proceedings were digitally recorded.

Defendant had been sentenced on or about November 12, 2004 by the Honorable John C. Coughenour on a charge of Conspiracy to Commit Armed Robbery and sentenced to 60 months custody (consecutive to CR93-551), 3 years supervised release. (Dkt. 30.)

The conditions of supervised release included the standard conditions plus the requirements that defendant submit to mandatory drug testing, participate in a drug treatment program, abstain from alcohol, submit to search, and reside in and satisfactorily participate in a

01 community corrections program for up to 120 days.

02 On October 2, 2009, defendant admitted violating the conditions of supervised release by
03 failing to abstain from alcohol and absconding from the residential reentry program (RRC). He
04 was sentenced to time served plus 30 months supervised release, and ordered to return to the
05 RRC for up to 90 days. (Dkt. 66.)

06 In an application dated November 6, 2009 (Dkt. 67-68), U.S. Probation Officer Mark J.
07 Chance alleged the following violation of the conditions of supervised release:

08 1. Failing to participate in a residential reentry center program by absconding from
09 the facility on November 5, 2009, in violation of a special condition.

10 Defendant was advised in full as to the charge and as to his constitutional rights.

11 Defendant admitted the alleged violation and waived any evidentiary hearing as to
12 whether it occurred.

13 I therefore recommend the Court find defendant violated his supervised release as
14 alleged, and that the Court conduct a hearing limited to the issue of disposition. The next
15 hearing will be set before Judge Coughenour.

16 Pending a final determination by the Court, defendant has been detained.

17 DATED this 2nd day of February, 2010.

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19 
20 Mary Alice Theiler
21 United States Magistrate Judge

22 cc: District Judge: Honorable John C. Coughenour

SUMMARY REPORT OF U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE
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01 AUSA:
02 Defendant's attorney:
03 Probation officer:
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Bruce Miyaki
Kenneth Kanev
Mark J. Chance